

RECEIVED

JAN 10 2003

TECH CENTER 1600/2900

PATENT

Attorney Docket No. 73469

18/ Prior
Art w/att

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HOUZE et al.

Art Unit: 1615

Application No.: 09/768,831

Examiner: Ghali

Filed: May 14, 2001

Bet
4-4-03

For: COMPOSITIONS AND METHODS FOR DRUG DELIVERY

January 7, 2003

PRIOR ART SUBMISSION WITH PROCESSING FEE

Commissioner for Patents
Washington, D.C. 20231

Attn: Examiner Ghali
c/o Director Technology Group 1615

Dear Sir:

Please enter this Prior Art Submission and consider the two herewith disclosed prior printed publications alone or in combination with any prior art of record.

RECEIVED
TECH CENTER 1600/2900
03 JAN - 7 AM 09:52

Prior Art Printed Publications

Two prior art printed publications are enclosed: JP-A-04-117323 (1992) ("JP '323") and JP-A-09-301854 (1997) ("JP '854"). Both were published more than a year before January 14, 1999. Enclosed are English language Abstracts for each of JP-A-04-117323 and JP-A-09-301854. Enclosed are partial English language translations for each of JP-A-117323 and JP-A-09-301854.

Processing Fees

The Examiner is authorized to charge any fee required under 37 CFR 1.17(p) as specified by 37 CFR 1.99(b)(1), to deposit account 06-1135 regarding order number khc/73469.

In re Appln. of Houze et al.
Application No. 09/768,831

This prior art could not have been cited within the time deadlines set in 37 CFR 1.99(e). The Examiner is authorized to charge the processing fee under 37 CFR §1.17(i) to deposit account 06-1135 regarding order number khc/73469.

If any other fees are required to enable this Prior Art Submission to be entered, then such fees may be charged to our deposit account 06-1135 regarding our order number khc/73469.

Petition

In the alternative, this may be considered a prior art submission in U.S. Application of Houze, Application No. 09/768,831, under one or more of 35 U.S.C. § 122(c), MPEP Chapter 1900, 37 CFR §1.99, 37 C.F.R. § 1.291(a), and/or 37 C.F.R. §1.501 plus a contingent petition under 37 CFR §1.181. As to the contingent petition, if a petition is required to waive any time deadlines under 37 CFR 1.99(e) or any other Rule, then a petition for such relief is hereby made to enable the Examiner to consider the prior art disclosed herewith. If a petition under Rule 181 is required for any such waiver, the petition fee can be charged to deposit account 06-1135 regarding order number khc/73469.

Certificate of Service

This paper and each prior art printed publication cited herein (including Abstracts and partial translations) were served by pre-paid first class mail on Applicants (David Houze, Juan Mantelle, and David Kanios) c/o their assignee, Noven Pharmaceuticals, Inc., 11960 S.W., 144th Street, Miami, Florida 33186 this 21 day of January 2003.

In re Appln. of Houze et al.
Application No. 09/768,831

Conclusion

Please enter this Prior Art Submission and confirm same.

Respectfully submitted,

 1/7/2003

Fitch Even Tabin & Flannery
1801 K St. NW, Suite 401L
Washington, DC 20006-1201

Kendrew H. Colton
Reg. No. 30,368
tel: 202-419-7015
fax: 202-419-7007